

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

**August 28, 2007
Council Chambers, City Hall
8:30 a.m.**

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

**Invocation – Fire Chaplain Ed Sinke
Pledge of Allegiance**

SENATE PROCLAMATION

**SENATE PROCLAMATION No. 242, PRESENTED BY
SENATOR ELLIOT SHAPLEIGH,
RECOGNIZING THE CITY OF EL PASO FOR RECEIVING THE
“ADELANTE CON GANAS AWARD”.**

CALL TO THE PUBLIC – PUBLIC COMMENT

**This time is reserved for members of the public who would like to address the
City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp
for those who wish to sign up in advance of the meeting date and a sign-up form is available
outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day
of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

REGULAR AGENDA – OTHER BUSINESS**1. CITY MANAGER:**

City Manager's report of current events and issues:

Eventselpaso.com – El Paso events calendar launch: joint presentation from Museum of Cultural Affairs Department, Convention and Visitor's Bureau, and El Paso County.
[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA**2. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of August 21, 2007, and Special City Council Meeting Minutes of August 15, 2007 (Building Livable Communities), August 15, 2007 (First Public Hearing on proposed Tax Rate Increase), August 16, 2007 (Building Livable Communities), and August 22, 2007 (FEMA Work Session) and corrected Regular City Council Meeting Minutes for August 7, 2007, and August 14, 2007. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**4. RESOLUTIONS:**

4A. A Resolution authorizing the City Manager to sign a Second Amendment to Forgivable Loan Agreement, a Subordination Agreement, acknowledgment and acceptance of a Deed of Trust, and a Release of Lien by and between the City of El Paso, and Bienvivir Senior Health Services, and JPMorgan Chase Bank, N.A., where applicable, in relation to the refinancing and operation of a senior adult day health care center and residential Alzheimer unit on the property located at 2300 McKinley Avenue. **(District 2)**

[Community and Human Development, William Lilly, (915) 541-4643]

4B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3204 Frankfort Avenue \$3,864.78 Frank Arteché and Martha Ruiz
(District 2) [Development Services, William Stern, (915) 541-4800]

- 4C.** That the Mayor be authorized to sign an interlocal agreement between the City of El Paso and Texas Tech University Health Sciences Center granting the use of a city vehicle by the El Paso Emergency Medical Service System (EMSS) Medical Director to perform the duties of his position including response and on-scene medical oversight. **(All Districts)** [Fire Department, Manuel Chavira, (915) 771-1000] POSTPONED FROM 08-21-07
- 4D.** That the Mayor be authorized to sign an interlocal agreement between the City and Texas Tech University Health Sciences Center for medical direction, medical control, infection control, and advanced medical training. **(All Districts)** [Fire Department, Manuel Chavira, (915) 771-1000]
- 4E.** That the Classification and Compensation Plan be amended as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission be approved. (Attachment A). **(All Districts)** [Human Resources, Linda Ball Thomas, (915) 541-4509]
- 5. BOARD RE-APPOINTMENTS:**
- 5A.** Marjorie Martie Jobe to the Public Utility Regulation Board by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]
- 5B.** Patricia Valdez-Rios to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]
- 6. BOARD APPOINTMENTS:**
- 6A.** Irasema Coronado to the Committee on Border Relations by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 6B.** Joseph Jimenez to the Information Technology Advisory Board by Representative Rachel Quintana, District 5. [Representative Rachel Quintana, (915) 541-4701]
- 6C.** Susan Goodman Novick to the History Museum Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:**
- 7A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue Purchase Order(s) to AutoVu Technologies, Inc., the sole source manufacturer and the sole provider of the AutoPatrol Law Enforcement License Plate Recognition Unit and its associated software, in the amount of \$50,800.
- | | |
|-------------------|--|
| Department: | Police |
| Total Amount: | \$50,800 |
| Account No.: | 508007-05918-21150002-G210702 (\$30,000.00)
508010-16371-21150060-P500231 (\$20,800.00) |
| Funding Source: | Auto Theft Prevention Authority Grant FY2007 and
Federal Confiscated Funds |
| Sole Source No.: | 2007-246 |
| Districts: | All |
- [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313] POSTPONED FROM 08-21-07

- 7B.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend Contract 2004-021R (Public Officials Errors & Omissions Liability Insurance) which was awarded on February 3, 2004, to the vendor listed below, for one additional year, from September 1, 2007, through August 31, 2008.

Department: OMB/Insurance & Benefits
Award to: Rogers & Belding Insurance Agency, Inc.
El Paso, Texas
Option No.: One of Two
Account No.: 99010273 – 01101 - 504402
Funding Source: OMB/Insurance & Benefits, Operating Account,
General Liability Insurance Ex
Estimated Annual Amount: \$295,183
Districts: **All**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
POSTPONED FROM 08-21-07

8. BIDS:

- 8A.** The award of Solicitation No. 2007-212 (Aerial Boom Lift, Self Propelled) to Globe Electric Co., Inc. for a total amount of \$104,158.70.

Department: Zoo
Award to: Globe Electric Co., Inc.
Houston, Texas
El Paso, Texas
Item(s): 1. Aerial Boom Lift, Self Propelled - Qty. 1 @
\$90,690/each
#O-1 Welder Package @ \$9,785
#O-2 Generator @ \$3,080
#O-3 Platform Work Lights @ \$477
#O-4 Tool Tray @ \$126.70
Option: Vendor offers an option to purchase up to 100% of
the original contract quantities, at the same unit
price, if the option is exercised within ninety days
from the date of award of the contract. No prompt
payment discount was offered.
Account No.: 508006 – 27507 – 37150068 - PFLESVC01
Funding Source: Equipment Replacement Fund
Total Estimated Award: \$104,158.70
Districts: **All**

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services and General Services recommend award as indicated to the lowest responsive, responsible bidder.
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** The award of Solicitation No. 2007-216 (Fire Station No. 18 Driveway Improvements) to BXW Electrical Rebuilders, Inc., for an estimated total amount of \$44,532.25.

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Department:	Fire
Award to:	BXW Electrical Rebuilders, Inc. El Paso, Texas
Items:	Base Bid I: \$44,532.25
Total Estimated Award:	\$44,532.25
Account No.:	PBE04FI101-14200404-29158-508027
Funding Source:	2004 Bonds
District:	6

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the project and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract

The Departments of Financial Services and Fire recommend award as indicated to the lowest responsive, responsible bidder.

[Development Services/Engineering, R. Alan Shubert, (915) 541-4557]

- 8C.** The award of Solicitation No. 2007-235 (Newspaper Legal Notices) to Texas New Mexico Newspaper Partnership dba El Paso Times and Investor Publications, Inc. dba El Paso Inc., for a total estimated award of \$300,000.

Department:	Financial Services, Purchasing Division
Award to:	Vendor 1: Texas New Mexico Newspaper Partnership dba El Paso Times El Paso, Texas
	Vendor 2: Investor Publications, Inc. dba El Paso Inc., El Paso, Texas
Items:	All
Option:	Two years
Annual Estimated Amount:	\$100,000
Account No.:	Various
Funding Source:	Various
Total Estimated Award:	\$300,000
Districts:	All

This is a service requirement type contract.

The Department of Financial Services, Purchasing Division, recommends award as indicated. [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA - INTRODUCTIONS

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended to add a proposed Lee Trevino extension from North Loop Drive and connecting to Border Highway (Loop 375) through Padres Drive. **(Districts 6 & 7)**
[Development Services/Engineering, R. Alan Shubert, (915) 541-4423]
- 9B.** An Ordinance amending Ordinance 16015 (Granting the Authority to the City Manager to enter into and sign certain contracts on behalf of the City and to sign certain documents) to increase contracting authority consistent with Senate Bill No. 1765. **(All Districts)**
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 4, 2007, FOR ITEMS 9A – 9B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

10. FINANCIAL SERVICES:

- 10A.** That the Resolution passed by City Council on July 3, 1984, adopting the document entitled "Policy Statement, The Duties and Responsibilities of the Purchasing Director" is hereby amended to conform to Senate Bill 1765 to increase the threshold contract amount at which the City must seek a competitive bid from \$25,000 to \$50,000 and increasing quotation purchases up to \$50,000. **(All Districts)** [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]
- 10B.** The award of Solicitation No. 2007-073R (City-Wide Energy and Operational Savings Program) to Johnson Controls, Inc. for a total award of \$240,000.

Department:	General Service
Award to:	Johnson Controls, Inc.
	Irving, TX
Items:	All
Account No.:	31010328 – 01101 - 502226

Funding Source: Building Maintenance-Operating Account-
Bldg/Facilities Maintenance Contracts
Total Award: \$240,000
Districts: All

The Review Committee based on evaluation factors established for this RFQ recommend award to Johnson Controls, Inc. the highest rated firm. The Departments of Financial Services and General Service recommend award as indicated.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 10C.** Discussion and action on a Resolution that the City Manager is hereby authorized to submit an application to the Texas LoanSTAR Program for a loan from available state funding in an amount not to exceed \$5,000,000 for projects to be selected by the City for implementing energy saving improvements at City facilities and to execute any and all necessary documents and/or agreements resulting from approval of the application. **(All Districts)**

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

11. ENGINEERING:

- 11A.** Discussion and action on a Resolution that the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Frank X. Spencer & Associates, Inc. to perform professional services for a project known as "Surveying Consulting Services" in an amount not to exceed \$1,000,000 for two years. **(All Districts)**

[Engineering, Javier Reyes, (915) 541-4630]

- 11B.** Discussion and action on a Resolution that the City Manager is hereby authorized to sign a Professional Services Agreement by and between the City of El Paso and Dorado Engineering, Inc., a Texas Corporation, for Surveying Consulting Services in an amount not to exceed \$1,000,000. **(All Districts)**

[Engineering, Javier Reyes, (915) 541-4630]

REGULAR AGENDA – PUBLIC HEARINGS

12. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of portions of Tracts 51 & 52, Cineque Park Subdivision, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-5 (Residential) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8181 Starr Avenue. Applicant: Alma R. Avalos ZON07-00047 **(District 7)**

[Development Services/Planning, Frank Delgado, (915) 541-4238]

POSTPONED FROM 07-31-07 AND 08-14-07

13. PUBLIC HEARING – ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph H (No Parking 7:00 a.m. to 5:00 p.m.) of the El Paso City Code, to add a new location of Commerce Avenue between Humble Place and Hawkins Boulevard, both sides. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code; and amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to delete Paragraph 138. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 3)** [Engineering Department/Traffic Division, Ted Marquez, (915) 541-4035]

14. PUBLIC HEARING – HUMAN RESOURCES:

An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend the Classification and Compensation Plan in its entirety. **(All Districts)**
[Human Resources, Linda B. Thomas, (915) 541-4509]

15. PUBLIC HEARING – OFFICE OF MANAGEMENT AND BUDGET:

An Ordinance Levying 2008 Taxes. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4011]

REGULAR AGENDA – OTHER BUSINESS**16. MAYOR AND COUNCIL:**

16A. Discussion and action to determine whether the LULAC Fiesta De Las Flores "Senior Dance" event can be considered a Municipal Purpose and whether or not City Council Members can donate from their discretionary funds to this event and discussion and action as to the distribution of the tickets for said event.
[Representative Jose Alexandro Lozano, (915) 541-4515]

16B. Discussion and action on proposed speed bump for 4400 General Maloney. Representative Castro would like to revisit this issue to see if the City can honor the original approval of this speed bump. [Representative Melina Castro, (915) 541-4400]

16C. Discussion and action regarding a Resolution in support of Mayor John Cook's 2007-2008 candidacy for president-elect of the Texas Municipal League.
[Representative Steve Ortega, (915) 541-4124]

16D. Discussion and action by City Council to consider an across the board reduction of the City of El Paso's budget by 2% for each department.
[Representative Rachel Quintana, (915) 541-4189]

17. COMMUNITY DEVELOPMENT:

17A. Discussion and action on a Resolution that City Council adopt policies and priorities for the 34th Year (2008-2009) Community Development Block Grant

(CDBG) Program and for the Fiscal Year 2008 Emergency Shelter Grant (ESG) Program, all such policies and priorities attached hereto as A through N; that City Council establish October 1, 2007, as the deadline for the submission of Letters of Intent from CDBG Social Service and ESG agencies; that City Council establish November 16, 2007, as the deadline for City Representative requests and citizen request forms; that City Council establish November 26, 2007, as the deadline for the submission of all CDBG Social Service and ESG application packets; and that City Council establish January 11, 2008, as the final deadline for the submission of 34th Year CDBG Housing, Economic Development, Public Facilities, Planning and City Department application packets. **(All Districts)** [Community and Human Development, William Lilly, (915) 541-4643]

- 17B.** Discussion and action on a Resolution that the City Council approve, as corrected, the Neighborhood Improvement Program approved Thomas Manor Neighborhood Association project (District 7) which the NIP Review Committee recommended for approval in the amount of \$49,800; and direct the City Manager or designee to proceed with allocation of the funds from the Capital Budget for the Thomas Manor Neighborhood Association NIP project, as corrected, in order to begin implementation of this approved NIP project **(District 7)** [Community and Human Development, William Lilly, (915) 541-4643]

18. CITY MANAGER:

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.
[Development Services, R. Alan Shubert, (915) 541-4557]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Jesus Luna, Jr. vs. City of El Paso, et. al., Cause No. EP-07-CA-0034. (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Claim of Carlos Marquez, Our File No. 07-C-087/Parks. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

EX3. Claims Related to Raul Vargas. (551.071).
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

EX4. Discussion and action on acquiring new facilities for the Parks and Recreation Department's administration. (551.072) [City Attorney's Office, Elaine Hengen, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>